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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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65242	7590	01/05/2009		
EMERY L. TRACY P.O. BOX 1518 BOULDER, CO 80306			EXAMINER TANG, SON M	
			ART UNIT 2612	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/662,182	HAMILTON ET AL.	
	Examiner	Art Unit	
	SON M. TANG	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 72-121 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 72-121 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/19/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Non-Final Office Action replaces previous Non-Office Action send 11/16/05.

Claims 72-121 are pending, claims 72 and 105 are independents.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “10” has been used to designate both **downloading device** and **recording system** as shown in Figs. 1 and 2, wherein, Fig. 1 shows that downloading device (10) includes a recording system (22) and hard drive (34), however, in Specification of ¶ 0023-0024 discloses that recording system controller (22) and hard drive (34) are located on the recording system (51) located in vehicle (53) which remotely from the downloading device, see Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection

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is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims **72-75, 77-78, 88-91** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims **1, 4, 6, 11-14, 18-19, 21, 27-31, 52-54, 57-58, 62-99 and 69-83** of U.S. Patent No. **6,950,013**. Although the conflicting claims are not identical, they are not patentably distinct from each other because a claim 72 is generic to all that is recited in claims 1+10, 18+27 and 52+62 of the patent. That is, claim 72 is **anticipated** by claims 1+10, 18+27 and 52+62 of the patent.

5. Claims **105-119** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims **69-83** of U.S. Patent No. 6,950,013 in view of Shamosh. US 5,144,661. Patent 013' discloses all the limitation in claim **105** except for not showing a display that for displaying said played information, Shamosh teaches a computer station for retrieving video and audio information from a remote system (10) and displaying information on the video monitor and sound display (48) [see Fig. 2, col. 4, lines 37-48]. It

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would have been obvious of one having ordinary skill in the art would have a display as suggested by Shamosh, so that, the receiving information can be visually indicated and observed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **105-109, 115-116 and 120-121** are rejected under 35 U.S.C. 102(b) as being by Shmosh et al. [US 5,144,661].

Regarding claims 105, 107-108: Sahmosh discloses a method for remotely accessing and downloading (retrieving) stored information from a recording system (memory 28) located on vehicle, comprising steps of:

-remotely activating a downloading device (34) having an interface (modem 42) for accessing and downloading said stored information (images and audio) from said recording system (memory 28 of system 10 in Fig. 1);

-remotely receiving and displaying said downloading information [see Figs. 1-2 col. 4, lines 20-68].

Regarding claim 106: Sahmosh discloses information is a vehicle identification [col. 6, line 34].

Regarding claim 109: Sahmosh discloses information comprises time of occurrence information [col. 6, line 33].

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Regarding claim 115: Sahmosh discloses capturing and storing said information by video/audio recording unit (24) [see Fig. 1].

Regarding claim 116: Sahmosh further discloses that storing said information remotely in memory of computer (46) [col. 6, lines 49-50].

Regarding claim 120: Sahmosh further discloses an encryption device (36) for encrypting information prior to transfer.

Regarding claim 121: Sahmosh further discloses a decryption device (41) for decrypting received information.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims **72-73, 76-85, 89, 91-94, 97, 99 and 102-104** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahmosh et al. [US 5,144,661].

Regarding claim 72: Sahmosh discloses a remote information downloading device (34) for wireless (radio frequency) access to and downloading (transferring) of vehicle information from a remote on-board vehicle incident recording system (10), the downloading device comprising:

-at least one interface (met by modem 42) communicating with and remotely accessing and receiving incident data from the vehicle incident recording system (10);

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-an information datalink (met by a link connects between modem (42) and computer (46) shown in Fig. 2) coupled to said interface (modem 42) for transferring said received incident data from said interface (42);

-a transceiver (which inherently included in the Modem 42 for transmitting/receiving data) coupled to said information datalink for accessing, receiving, downloading and transmitting said vehicle information from the vehicle incident recording system (10), wherein the interface (Modem 42) is a transceiver included for downloading of information from said recording system [as shown in Figs. 1-2, col. 4, lines 60-68 to col. 5 lines 1-7], Sahmosh does not specifically show that Modem (42) includes a download trigger for initiating downloading, however, Sahmosh mentioned that the computer (46) sends a command to the memory unit converter (26) to retrieve images and audio data from the memory 28 of the vehicle incident recording system [see col. 4, lines 66-68], that command signal send through Modem (42) which causes Modem for initiating the downloading function. Therefore, it would have been obvious of one having ordinary skill in the art to recognize that Modem (42) would included a download trigger for initiating downloading function, that controls by the command from computer (46), so that the Modem (42) only performing the downloading when computer requested.

Regarding claim 73: Sahmosh further mention that the video and audio information received from the system (10) are stored in the computer by conventional means [col. 4, lines 45-46], which constitutes of remote information downloading device (34) includes an information storage device coupled to said vehicle incident recording system via radio link for capturing and storing said vehicle information .

Regarding claim 76: Sahmosh further teaches that vehicle information comprises identification information [col. 6, lines 33-35].

Regarding claims 77 and 83: Sahmosh teaches that vehicle information comprises video and audio information [col. 4, lines 20-22].

Regarding claims 78-82, 84: The claimed limitations “playing means for displaying said vehicle information comprises an off-board visual output interface to display, viewing video information and playing audio information on a display screen” are met by the video monitor and sound display (48) of Fig. 2.

Regarding claim 85: Sahmosh further teaches vehicle information comprises time information [col. 6, line 33].

Regarding claim 89: Sahmosh further teaches that computer (46) sends a command to the memory (28) to retrieve information [col. 4, lines 66-68] and the command is transmitted to the Modem, that the Modem responds to the command, that constitutes of download triggered in respond to transmitted instruction.

Regarding claim 91: Sahmosh further teaches an encryption device (36) for encrypting information [see Fig. 1].

Regarding claim 92: Sahmosh further teaches decryption device (41) for decrypting information [see Fig. 2].

Regarding claim 93: Sahmosh discloses that information is stored in computer (46) which remote from the vehicle [col. 4, lines 45-46].

Regarding claim 94: Sahmosh discloses a Modem (42) which inherently includes transceiver which used to transmit/receive data to/from other device that have the same

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compatible transmit/receive Modem, Sahmosh does not specifically show that the transceiver is adapted to transmit information to an off-site location. Since, Modem is commonly configured to communicate with any other compatible Modems of other system, which includes any off-site location systems. Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made, to recognize that the transceiver with in the Modem (42) is capable of transmitting information to any off-site location.

Regarding claim 97: Sahmosh further teaches that computer send command to Modem (42) to retrieve information from the memory (28) of the remote incident recording system (10) [col. 4, lines 66-68], that constitutes of transceiver provides a transmission trigger for initiating transmission of information to an information storage device.

Regarding claim 99: Sahmosh further shows that computer (46) sends command to the remote memory (28) to retrieve the images and audio [col. 4, lines 66-68].

Regarding claim 102: Sahmosh shows that the base device (34) is remote from the vehicle that receives information from the vehicle's memory for observing, which constitutes of a stationary facility.

Regarding claim 103: Sahmosh discloses that the remote incident recording device (10) is used to gather information that protection against crime and accident, etc., that can be installed at any environment that needed to protect, and the recorded information is used to analyze the incident, but Sahmosh does not specifically mention that the recorded information is transmitted to the police station. As Sahmosh had showed that remote incident recording device (10) is for gathering incident information, which to be analyzed at the base station, whichever the case is going to be involved, (i.e. police, insurance, hospital etc.). Therefore, it would have been

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obvious of one having ordinary skill in the art to recognize that recorded incident would be observed by personnel authority that may be involved in the case, such as police department.

Regarding claim 104: Sahmosh disclose all the limitations as described above, except for not specifically show that interface is a limited access interface. Since, Modem (30) merely triggered the download procedure upon whenever it requested from computer (46), which made the modem to limit the access to device. Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made to recognize that, the modem is a limited access interface that only trigger when necessary.

10. Claims **88, 94-95, 98, 100-101 and 112** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahmosh et al. in view of Horvat [US 4,591,823].

Regarding claims 88, 98: Sahmosh disclose all the limitations as described above, except for not specifically show that the trigger adapted to respond to the occurrence of a predetermined event, Horvat teaches that a monitor transceiver (8, 12) which comprises a vehicle detector (76), whereby, the monitor transceiver receives information from vehicle upon vehicle has passed and detected by vehicle detector (76) [see Fig. 3, col. 5, lines 24-42], that constitutes of transmission trigger is adapted to respond to the occurrence of a predetermined event (vehicle detected). It would have been obvious of one having ordinary skill in the art at the time the invention was made, to have a predetermined event that trigger transmission as suggested by Horvat, into the downloading device of Sahmosh, for benefit of conserving energy and conserving memory space, whereby, the downloading device merely downloads necessary incident.

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Regarding claims 100-101: Sahmosh disclose all the limitations as described above, except for not specifically show that the device is adapted for use in a police vehicle. As Sahmosh and Harvat made obvious above, Harvat further teaches that the monitor transceiver (8, 12) is adapted to use as either stationary device or mobile device in police patrol vehicle [col. 3, lines 60-64]. It would have been obvious of one having ordinary skill in the art at the time the invention was made, to have the device that be able to use as stationary and mobile in police vehicle as suggested by Horvat into the system of Sahmosh, so that, police patrol is able to access and identify any violation to the vehicle.

Regarding claims 94, 112: Sahmosh and Horvat made obvious above, Horvat further teaches that the information can be transmit to central processor at motor vehicle dept. (off-site location) via transceiver modem (86) of Figs. 3 and 12. In that, it would have been obvious of one having ordinary skill in the art at the time the invention was made to recognize that, the recorded information can be retransmitted to next location (off-site location) by modem as suggested by Horvat.

Regarding claims 95: Sahmosh and Horvat made obvious above, Sahmosh further shows that two-way communication between Modem (30) and Modem (42) via radio frequency, that radio frequency is constitutes of transmission link.

11. Claims **74-75, 86-87, 110 and 117-118** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sahmosh ET al. in view of Kikinis [US 5,815,093].

Regarding claims 74-75, 117-118: Sahmosh disclose all the limitations as described above, except for not specifically mention that the storage device is a solid state storage device is

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known as Flash memory and prevent of overwritten, Kinkinis teaches a vehicle log data comprises a Flash memory (15) that stores vehicle accident events and prevent overwritten in flash memory [see Fig. 1, col. 6, lines 58-65], which the next information being recorded into the next available sector. Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made, to use a Flash storage device to record vehicle incident event as suggested by Kikinis in system of Sahmosh, for the benefit that Flash storage device is a flexible type of storage device, in the ways that is compact and can be removable.

Regarding claims 86-87, 110: Sahmosh and Kikinis made obvious above, Kikinis further teaches that recorded information comprises vehicle dynamic information and vehicle control information such as (speed, location, rollover, brake and steering etc.). It is obvious to one having ordinary skill in the art that dynamic information as taught by Kinkinis can be used for analyzing the incident pattern.

12. Claims **90, 96, 114 and 119** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahmosh et al. in view of Lemelson et al. [US 5,731,785; Lemelson].

Regarding claims 90, 119: Sahmosh discloses that command sends to remote device (10) for downloading recorded information, but does not specifically mention that command is an electronic access code, Lemelson teaches a system that comprises of inputting security access code (PIN) from the monitor control center device that permits to access information at remote unit (10) [see Figs. 2, col. 4, lines 48-52 and col. 5, lines 3-7]. It would have been obvious of one having ordinary skill in the art at the time the invention was made to have an access code

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(PIN) as suggested by Lemelson inserted into the command sends by Sahmosh, so that, the downloading information can be secured by an authorized personnel.

Regarding claims 96, 114: Sahmosh and Lemelson made obvious above, Lemelson further teaches transmission link is direct satellites uplink/downlink [see Fig. 1-2]. It would have been obvious one having ordinary skill in the art to use satellite link technology as suggested by Lemelson, for the benefit of wider coverage area.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coiner et al. [US 5,638,273], Berard et al. [US 5,515,043], Juhasz et al. [US 4,258,421] and Bellman, Jr. Et al. [US 4,831,438].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON M. TANG whose telephone number is (571)272-2962. The examiner can normally be reached on 5/8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ST/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612